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2006-06

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Afghanistan's Post-Taliban Transition: The State of State-Building after War. Central Asian Survey, (March-June 2006) 25(1-2), pp 1-26.  
<http://hdl.handle.net/10945/50887>



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# Afghanistan's post-Taliban transition: the state of state-building after war

THOMAS H. JOHNSON

## Introduction

Is Afghanistan approaching unheralded success or tragic failure?<sup>1</sup> It depends upon whom one asks. Several years after an international coalition and US-backed Afghan insurgents removed the ruling Islamic fundamentalist Taliban from power, experts differ as to Afghanistan's future: will it be stability and democracy, or a return to its chaotic and turbulent past? On the one hand, after decades of fighting, this volatile state has witnessed watershed elections and important infrastructure rebuilding; while much work remains, significant progress in human rights, political and economic reform and infrastructure has been achieved. On the other hand, a number of extremely disturbing countervailing trends are evident: the actual influence and control of the new, democratically elected government of Hamid Karzai extends only weakly beyond the outskirts of Kabul; ethno-linguistic fragmentation is on the rise; an increasingly sophisticated insurgency threatens stability; large areas of Afghanistan are still ruled by warlords/druglords; and, possibly most damning for the long-term stabilization of Afghanistan, the country is fast approaching narco-state status with its opium crop and transport representing 35–60 per cent of the country's licit GDP. Current estimates posit that approximately 87 per cent of the world's heroin is produced in Afghanistan.<sup>2</sup> Most troubling of these trends is the persistence of old patterns of identity politics in the seemingly new Afghan context.

This paper assesses the effectiveness of the 'post-conflict' political transition process that created the Kabul regime. Specifically, this paper will review and critique the Bonn Agreement and Process—the major driver for Afghanistan's post-conflict transition; assess the current situation in Afghanistan, and examine prospects for Afghan democratization, development and stability. It will identify the opportunities and obstacles generated from Afghanistan's transition for peace, stability and nation building after three decades of state failure.

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### **The Bonn Agreement and process and political reconstruction**

Since the fall of the Taliban in late 2001, the ‘Agreement on Provisional Arrangements in Afghanistan Pending the Re-Establishment of Permanent Government Institutions’ commonly referred to as the Bonn Agreement, has driven the Afghan political road map.<sup>3</sup> Once the defeat of the Taliban was imminent, a conference was organized in Bonn and on 5 December 2001, after nine taxing days of meetings and deal making between various Afghan factions,<sup>4</sup> the ‘Bonn Agreement’ was signed. This UN-brokered deal, which was heavily influenced by the desires of the USA, established the provisional arrangements for Afghanistan to create permanent governmental institutions.<sup>5</sup> The goal was to lay the groundwork for Afghanistan’s future political processes and institutions of governance based on the commitment of ‘the right of the people of Afghanistan to freely determine their own political future in accordance with the principles of Islam, democracy, pluralism and social justice’.<sup>6</sup>

The goal of ‘democratic development’ was merely ‘an afterthought for the White House’, according to James Dobbins, a former Bush envoy to Afghanistan and a participant at the Bonn Conference, since they ‘believed it had little application for Afghans’. It was the Iranian delegation, he says, that introduced the concept of ‘democracy’. Unfortunately, the agreement was vague on how to explicitly achieve this goal,<sup>7</sup> as Bonn created a government, but not a state attempting to establish international legitimacy for the Kabul government.

The Bonn Agreement was also *not* a ‘peace agreement’ to the decade-long Afghan civil war and conflict between the Taliban and the US-led Northern Alliance, as Bonn only brought together the winners of the US led Operational Enduring Freedom (OEF), *not* the warring parties. Ironically many of the ‘winners’ were Afghan factions that were historically opposed to each other; indeed many were direct opponents during the brutal civil war that began in earnest after the Soviets withdrew from Afghanistan in January 1989 and US interests in the country waned. The Bonn Agreement did not try to reconcile differences between the warring parties or attempt to draw ‘moderate’ members of the defeated party—the Taliban—into the process of government re-establishment or state creation. Bonn did create the agenda and process for the establishment of permanent governance institutions, representing a new level of commitment and political will by both Afghans and major powers. However, it ignored many root problems, most notably, Afghan ethnic fragmentation and distrust that has plagued the country for decades; narcotics production, and regional ‘warlords’.

The agreement, as critics noted, codified *de facto* power relations and disregarded certain actors’ legitimacy or illegitimacy.<sup>8</sup> In particular, Bonn gave control of key ministries to the Tajiks, specifically Panjshiris, and Northern Alliance who at the time of the conference controlled the security of Kabul.

Figure 1 is a pictorial overview of the process spurred by this agreement. As suggested by this figure an explicit timeframe was established for the implementation of an interim, transition, and finally a fully representative and elective government. The Bonn Accords also established deadlines and procedures for

**Figure 1.** Bonn process

constitutional development and explicit elections. The Bonn Accords laid the groundwork for the following:

- the formation of *Loya Jirgas*—Emergency and Constitutional
- national elections
- the role of the United Nations in Afghan reconstruction
- reorganization of Afghan military forces
- establishment of an International Security Assistance Force (ISAF)
- the discharge of humanitarian and reconstruction aid.

*Interim and transition government authorities*<sup>9</sup>

The Bonn Agreement called for establishment of an interim governing structure and set a timetable for a transition to a more ‘broad based gender-sensitive, multi-ethnic and fully representative’<sup>10</sup> government. The Interim Authority was to rule for 6 months until a traditional *Loya Jirga* convened to elect a Transition Authority or Government (see Figure 1 for timeline). Bonn delegates chose Pashtun tribal leader Hamid Karzai to serve as head of an interim power-sharing council, which took office in Kabul on 22 December 2001. Most of the

remaining administrators/ministers were selected from the representatives participating at the Bonn Meetings.

The USA was unlikely to have settled for any Afghan interim leader other than Karzai, after the Taliban's assassination of Abdul Haq on 25 October 2001,<sup>11</sup> as Karzai was the one creditable Pashtun leader whom the USA knew well and, more importantly, trusted. A Durrani-Polpolzai Pashtun, Karzai was the son of a senator in the government of former King Zahir Shah. After his father's assassination in Quetta, Pakistan by suspected Taliban elements in 1999, Karzai was named the clan chief of the Polpolzai-Durrani Pashtuns, which positioned him for a high-level leadership role in post-Taliban Afghanistan. The USA lobbied vigorously to secure Karzai's position as the leader of the Afghan interim government;<sup>12</sup> the ensuing relationship with Karzai was to become a major factor in Afghanistan's post-Taliban transition.

Karzai's Interim Administration (Cabinet of Ministers), 'entrusted with the day-to-day conduct of state', was significantly composed of victors in the war.<sup>13</sup> The three most powerful ministries of this cabinet went to Panjshiri Tajiks of the Northern Alliance that controlled the militia in possession of Kabul since the Taliban's defeat. Younis Qanooni, who led the Northern Alliance's Bonn delegation, was selected Interior Minister. General Mohammad Fahim, Commander-in-Chief of the Northern Alliance, received the Defence Ministry and Dr Abdullah Abdullah was selected as Foreign Secretary. The 30-member interim cabinet included 11 Pashtuns, eight Tajiks, five Shi'a Hazara and three Uzbeks, with the remainder drawn from other minorities. Table 1 presents the members of Afghan Interim Administration.

The composition of this cabinet undermined both the Karzai interim and transitional regimes. Critics contended that neither Bonn nor the chosen government was very representative of the traditional power centres in Afghanistan. In particular, relatively few Pashtuns were given administrative/cabinet positions. Pashtuns expected this imbalance to be corrected in the Emergency *Loya Jirga* (which was to select the Transitional Administration). Karzai was expected to shift the balance of power back to Pashtuns and give the former king a prominent national role. A Transitional Authority would then 'lead Afghanistan until such time as a fully representative government can be elected',<sup>14</sup> no later than two years from the convening of the Emergency *Loya Jirga*. The Emergency *Loya Jirga* was also to elect a Head of State for the transitional administration.

It was no surprise that Harmid Karzai was selected as Transitional President at the Emergency *Loya Jirga* of June 2002. The major issues of the Emergency *Loya Jirga* turned out to be the role of the former king—Zahir Shah—and the role of the Panjshiris. Once the former king gave his support for the election of fellow Pashtun Karzai as the Afghan head of state, ethnic issues were temporally diffused. Subjects such as religion, the role of parliament, stability and economic development dominated the *jirga* debates. This easing of ethnic suspicions and rivalry, however, proved short lived.

As suggested by Table 1, Karzai increased Pashtun representation in his new Transition Administration. Pashtun membership increased from the 11 members

**Table 1.** Interim and transitional Afghan authority administrators/ministers

Interim authority position	Name	Ethnicity	Transitional authority position	Name	Ethnicity
<i>Chairman</i>	Hamid Karzai	Pashtun	<i>President</i>	Hamid Karzai	Pashtun
<i>Vice-Chair</i>	Mohammed Fahim	Tajik	<i>Deputy President</i>	Mohammed Fahim	Tajik
<i>Vice-Chair and Women's Affairs</i>	Dr. Sima Samar	Hazara	<i>Deputy President</i>	Karim Khalili	Hazara
<i>Vice-Chair</i>	Haji Mohammed Mohaqqueq	Hazara	<i>Deputy President</i>	Abdul Qadir	Pashtun
<i>Vice-Chair</i>	Ahmed Shakar Karkar	Uzbek			
<i>Vice-Chair</i>	Hedayat Amin Arsala	Pashtun			
			<i>Special Advisor on Security</i>	Yunus Qanooni	Tajik
<i>Defense Minister</i>	Mohammed Fahim	Tajik	<i>Defense Minister</i>	Mohammed Fahim	Tajik
<i>Foreign Minister</i>	Abdullah Abdullah	Tajik	<i>Foreign Minister</i>	Abdullah Abdullah	Tajik
<i>Finance Minister</i>	Hedayat Amin Arsala	Pashtun	<i>Finance Minister</i>	Ashraf Ghani	Pashtun
<i>Interior Minister</i>	Yunus Qanooni	Tajik	<i>Interior Minister</i>	Taj Mohammed Wardak	Pashtun
<i>Planning Minister</i>	Haji Mohammed Mohaqqueqk	Hazara	<i>Planning Minister</i>	Haji Mohammed Mohaqqueqk	Hazara
<i>Communications Minister</i>	Ing. Abdul Rahim	Tajik	<i>Communications Minister</i>	Masoom Stanakzai	Pashtun
<i>Borders Minister</i>	Amanullah Zadran		<i>Borders Minister</i>	Arif Nurzai	Pashtun*
<i>Refugees Minister</i>	Intayatullah Nazeri	Tajik	<i>Refugees Minister</i>	Intayatullah Nazeri	Tajik
<i>Small Industries Minister</i>	Aref Noozari	Pashtun	<i>Mines Minister</i>	Juma M. Mahammadi	Pashtun
<i>Mines and Industry Minister</i>	Mohammed Alim Razm	Uzbek	<i>Light Industries Minister</i>	Mohammed Alim Razm	Uzbek
<i>Public Health Minister</i>	Dr. Sohaila Siddiqi	Pashtun	<i>Public Health Minister</i>	Dr Sohaila Siddiqi	Pashtun
<i>Commerce Minister</i>	Sayed Mustafa Kasemi	Shiite Muslim	<i>Commerce Minister</i>	Sayed Mustafa Kasemi	Shiite Muslim
<i>Agriculture Minister</i>	Sayed Hussain Anwari	Hazara	<i>Agriculture Minister</i>	Sayed Hussain Anwari	Hazara
<i>Justice Minister</i>	Abbas Karimi	Uzbek	<i>Justice Minister</i>	Abbas Karimi	Uzbek

(Table continued)

**Table 1.** Continued

Interim authority position	Name	Ethnicity	Transitional authority position	Name	Ethnicity
<i>Information and Culture Minister</i>	Saeed Makhdoom Rahim	Tajik	<i>Information and Culture Minister</i>	Saeed Makhdoom Rahim	Tajik
<i>Reconstruction Minister</i>	Mohammed Fahim Farhang	Pashtun	<i>Reconstruction Minister</i>	Mohammed Fahim Farhang	Pashtun
<i>Haj and Mosques Minister</i>	Mohammad Hanif Balkhi	Tajik	<i>Haj and Mosques Minister</i>	Mohammed Amin Naziryar	Pashtun
<i>Urban Affairs Minister</i>	Abdul Qadir	Pashtun	<i>Urban Affairs Minister</i>	Yusuf Pashtun	Pashtun
<i>Public Works Minister</i>	Abdul Khalig Fazal	Pashtun	<i>Public Works Minister</i>	Abdul Qadir	Pashtun
			<i>Social Affairs Minister</i>	Noor Mohammed Karkin	Turkman
<i>Water and Power Minister</i>	Ahmed Shakar Karkar	Uzbek	<i>Water and Power Minister</i>	Ahmed Shakar Karkar	Uzbek
<i>Irrigation Minister</i>	Haji Mangal Hussein	Pashtun	<i>Irrigation &amp; Environment Minister</i>	Ahmed Yusuf Nuristani	Pashtun
<i>Martyrs and Disabled Minister</i>	Abdullah Wardak	Pashtun	<i>Martyrs and Disabled Minister</i>	Abdullah Wardak	Pashtun
<i>Higher Education Minister</i>	Sharif Faez	Tajik	<i>Higher Education Minister</i>	Sharif Faez	Tajik
<i>Air Transport &amp; Tourism Minister</i>	Abdul Rahman		<i>Civil Aviation &amp; Tourism Minister</i>	Mir Wais Saddiq	Tajik
<i>Labor and Social Affairs</i>	Mir Wais Saddiq	Tajik			
<i>Transportation Minister</i>	Sultan Hamid Hamid	Hazara	<i>Transportation Minister</i>	Saeed Mohammed Ali Jawad	Shiite Muslim
<i>Education Minister</i>	Abdul Rassoul Amin		<i>Education Minister</i>	Yunus Qanooni	Tajik
<i>Rural Development Minister</i>	Abdul Mailk Anwar	Tajik	<i>Rural Development Minister</i>	Hanif Asmar	Pashtun
			<i>Supreme Court Chief Justice</i>	Sheikh Hadi Shinwari	Pashtun

\*From a Tajik-dominated party.

in the Interim Administration to 16 members while the remaining ethnic groups stayed fairly constant relative to their total representation in the Transition Administration.<sup>15</sup> This increase in Pashtun representation was most certainly an attempt by Karzai to shore up support with his Pashtun brethren and to respond to Lakhdar Brahimi, the Special Representative of the UN Secretary General, and others who suggested that the Emergency *Loya Jirga* should correct the imbalances resulting from Bonn and more closely reflect the Afghan demographics. Nonetheless, many of the most important and powerful ministries stayed in the hands of the Panjshiri Tajiks (*Shura-e Nezar*) and at this writing they are still in control of the security apparatus dominating Kabul.

Karzai signalled his acceptance of the Panjshiris as necessary partners in his militarily weak government, when he renamed as defence minister Mohammed Fahim, leader of the Northern Alliance forces based in the Panjshir Valley and head of a private militia of 10,000. He also strengthened Fahim's position in the Transitional Government by appointing him as one of his three vice-presidents<sup>16</sup> indicating the power of the Tajiks and the Northern Alliance.

For all practical purposes there was only one key removal from the cabinet resulting from the Emergency *Loya Jirga*—the departure of interior minister Yunus Qanooni. Qanooni, a senior *Jamiat-e Islami* figure, had represented Northern Alliance interests at Bonn and played a key role initially securing support for Karzai's candidacy among the powerful, Tajik-led political and military coalition, but the relationship had become contentious leading up to the controversial dismissal. Panjshiri soldiers and policemen in the ministry initially resisted the change with roadblocks and work stoppages. Karzai then appointed Qanooni as adviser for internal security, a newly created post, as well as minister of education.<sup>17</sup>

At the time of the Emergency *Loya Jirga*, Fahim, Qanooni and Ahmad Zia Massoud<sup>18</sup> were all vying for the leadership of the Panjshiris (*Shura-e Nezar*), and relations among them became reportedly strained with Karzai caught in the middle of this politicking amongst the Panjshiri clique.

### *Loya Jirgas and post-conflict stability: ethnic dimensions*

Questions of ethnicity are critical in assessing the implications of the *Loya Jirgas* to future Afghan political and social stability. Past attempts at modern state formation in Afghanistan that have directly challenged the local tribal and religious structures of society have resulted in ethnic backlash and state failure. Critics argue that the former *mujahideen* parties manipulated the *Loya Jirga* and Transitional Administration and Karzai's failure to ensure transparent and accountable procedures was a missed 'opportunity to establish new constituencies and develop support for the peace-building process'.<sup>19</sup>

Afghanistan's diverse ethnic composition makes democracy or even state building difficult. The country's present boundaries were created to serve as a buffer between British and Russian Empires as Afghanistan confronted modernity through its forced integration into a Eurocentric state.<sup>20</sup> These were not drawn



along ethnic, linguistic, or religious lines. The externally imposed 'state' comprised of a complicated mix of people mostly living in small, kin-based communities outside of the limited urban areas. Some of these groups are ethnically and linguistically distinct, but are not necessarily different in terms of culture.<sup>21</sup> Afghanistan's governments have been unable to create a sense of genuine national unity in times other than during crisis.<sup>22</sup>

Afghanistan's Pashtuns would like a strong Pashtun-run central state; Tajiks focus on power sharing in the central state, and Uzbeks and Hazaras desire recognition of their identities and mechanisms of local government.<sup>23</sup> Historically, the more populous Pashtun tribes of the south have ruled Afghanistan, yet unlike other ethnic groups, the Pashtuns emphasize tribal structures and codes at expense of the state. Not until the Soviet Union's invasion of Afghanistan did other ethnic groups truly establish themselves as a political and military force. In the past, fighting for control of the state had occurred primarily among Pashtuns (i.e. Durrani vs Ghilzais), ensued, as other ethnic groups rose in importance and sought to rule, civil war destroying the Afghan state structure.

Afghan rulers have commonly attempted to manipulate ethnic groups in their attempts to control the state. For example, 'to weaken the Barakzais, Ahmed Shah, the "father" of modern Afghanistan appointed a separate khan for the Achakzais, making the clan into a separate tribe, a status that they retain today'.<sup>24</sup> Unfortunately, the failure of many past Afghan regimes has been their inability to bridge the gap between these competing groups and their willingness to play different groups against each other in order to consolidate their power.<sup>25</sup>

Karzai's choice of cabinet members for the Transition Government did not remove faction leaders in favour of a balanced and professional cabinet. The Northern Alliance was reluctant to cede the considerable power they received from the Bonn Meeting. While Karzai recognized the importance of balance between the Pashtuns and Tajiks, he also recognized the extremely difficult task of assembling an administration that would satisfy all major ethnic groups while meeting the country's desperate need for professional governance after years of ruinous conflict.

Although the USA and other international actors viewed the outcome of the Emergency *Loya Jirga* as legitimate, fellow Pashtuns were sceptical about Hamid Karzai's transitional government. The continued power of the Tajiks alienated Karzai's Pashtun power base. Many Pashtuns were dismayed and angered that none of the King's aides had been given senior posts.<sup>26</sup> In July 2002, a Washington Post article titled 'Pashtuns Losing Faith in Karzai', posited that the Pashtuns were 'becoming rapidly disillusioned by a series of developments that have reinforced the power of rival ethnic Tajiks and militia leaders, left the former king politically sidelined and a Pashtun vice president assassinated, and subjected Pashtun villages to lethal US air attacks'.<sup>27</sup> Padsha Khan Zadran, a powerful Pashtun warlord who reportedly controlled the three southeastern provinces of Khost, Paktia and Paktika in Spring/Summer 2002 summed up the sentiments of many Pashtuns when he asked, 'Why are they humiliating Pashtuns? We're the majority. They placed Hamid Karzai at the top

as a representative of Pashtuns. But in reality he's no longer a Pashtun. He's sold himself out. He's a traitor. Pashtuns cannot sit around waiting. They will react and will claim their rights.'<sup>28</sup>

### The Afghan constitution

The Bonn Agreement called for a Constitutional *Loya Jirga* (CLJ) to adopt a new Afghan constitution within 18 months of the establishment of the Transitional Authority. Special Representative of the Secretary General for Afghanistan, Lakhdar Brahimi, acknowledged at a 31 January 2003 open meeting of the UN Security Council that the 'drafting and ratification of the new constitution ... will also be a fundamental state building exercise'. He also stressed the need to 'broaden the political base supporting the peace process' because 'too many Afghans feel excluded from the government and political transformation which Afghanistan is undergoing'.<sup>29</sup>

The constitution was delayed and thus a rushed affair. Three constitution-making organs—the Drafting Commission, the Constitutional Review Commission and the Constitutional *Loya Jirga* with the assistance of the United Nations (especially United Nations Assistance Mission, UNAMA and UNDP) played parts in the process.<sup>30</sup> Of the 18 months originally envisaged in the Bonn Agreement for a constitution-making exercise, only 13 remained when this commission began work—a limited amount of time to educate the Afghan people, largely illiterate, and query them on subjects as complicated and foreign as many of those contained in the constitution.

The Constitutional Review Commission, a 35-member commission, appointed by the president, also suffered delays. The group was dominated by *Shura-e Nezar* and, as described by the International Crisis Group, 'never likely to yield individuals who could be viewed as legitimate national figures capable of transcending narrow, sectarian interests ... several experienced politicians from *jihadi* groups have been included but respected moderate leaders and members of democratic groups are conspicuously absent ...'.<sup>31</sup>

Eventually the 502-person Constitutional *Loya Jirga* (selected in UN-run caucuses) met to deliberate on the draft constitution from 13 December 2003 to 4 January 2004. This body, which could include no militia commanders or governmental officials, was to confer legitimacy on the constitution through review and adoption.<sup>32</sup>

The final version of the constitution established a strong presidential system in which the President served as both Head of State and Head of Government.<sup>33</sup> The President who must be elected by a majority of the popular vote was eligible to serve two 5-year terms.<sup>34</sup> A proposal sponsored by the Northern Alliance to establish a prime minister as a check on the presidency was removed, probably because of Karzai supporters' concerns that a prime minister might emerge as a rival to the presidency.

The constitution established a bicameral legislature and a Supreme Court with High Courts and Appeals Courts. It established no separate religious courts, but

powerful Islamists presently are in or have influence in the emerging Afghan judiciary.

The legislative body of the *Wolesi Jirga* (Lower House or House of People) would promulgate laws, ratify treaties and approve budgets. The *Meshrano Jirga* (Upper House or House of Elders), with the authority to approve proposed laws and the budget, would consist of a mixture of appointed and elected members.<sup>35</sup> The constitution gave the legislature the ability to impeach the president.

The constitution created two new provinces—Panjshir and Diakondi—making a total of 34 provinces governed by a provincial council whose members were to be popularly elected to 4-year terms. Map drawing in Afghanistan has always been contentious and related to issues of power alignment between Kabul and the hinterlands. Karzai proposed adding Panjshir (Tajik dominated), established 13 April 2004 from Parwan Province, and Diakondi (Hazara dominated) from the northern section of Oruzgan Province, established 28 March 2004, to create multi-ethnic local government representation and to right the long-held perceptions by minority ethnic groups' perceived administrative injustices against the non-Pashtun regions.

Article 22 of the constitution affirmed women's equality under Afghan law. In stark contrast to the years of Taliban rule during which Afghan women were subjected to well-documented, draconian social rules and abuses, the adopted Afghan constitution also gave particular emphasis to the role of women in the legislature. The constitution explicitly stipulated that for the *Meshrano Jirga* of those appointed by the president, 50 per cent were to be women, meaning that one-sixth of upper house members were to be women. In the elected lower house at least 68 of those elected (two per each of the 34 provinces) by the constitution 'should' be women,<sup>36</sup> giving women about 25 per cent of the seats in the *Wolesi Jirga*.

Relative to political parties—institutions vital for a thriving democracy—the constitution was vague. The document allowed for political parties to be established so long as their charters 'do not contradict the principles of Islam' and do not have affiliations with foreign countries. The Political Parties Law that was later enacted by the Karzai Government provided the procedures for the legal registration of political parties in accordance with the constitution. This law prohibits political parties whose charters are 'opposed to the principles of the holy religion Islam', which is problematic since Islamic principles are open to interpretation. Furthermore, this dynamic affords influential Islamist groups an instrument to block parties they deem politically unacceptable.<sup>37</sup>

While the constitution represents a positive step forward, flaws in the process and outcome have the potential to inhibit future stability.

### **Afghan elections**

According to the Bonn Accords 'free and fair elections were to be held no longer than two years from the date of the convening of the *Emergency Loya Jirga*'.<sup>38</sup> Elections for the Afghan Presidency, National Assembly and Provincial Councils, were all to be held concurrently in the spring of 2004. That timetable for the

elections was repeatedly changed. A series of events including electoral infrastructure delays, accelerating instability and the apparent re-emergence of the Taliban eventually led to the postponement and separation of the elections for Afghanistan's President, National Assembly and Provincial Councils. The presidential elections were rescheduled from June 2004 to September, then to October 2004. National Assembly and Provincial Council elections were eventually scheduled for September 2005.

On 25 May 2004, Karzai signed a law that was to govern the elections.<sup>39</sup> This law made the following provisions:

- The populous would vote for individual candidates rather than political parties in the parliamentary elections.
- Government officials who sought office as candidates, *except the president*, were required to resign from their government position at least 75 days before the elections.
- To be eligible to run, presidential candidates were required to produce at least 10,000 copies of eligible voter registration cards as evidence of voters' support.

The months leading up to June 2004, the date originally set for the elections, saw a significant rise in violence throughout the country, especially directed towards election workers.<sup>40</sup> While some of this violence could be attributed to the re-emergence of Taliban remnants, there was also a significant acceleration of an insurgency (especially in the east and south of the country) against the Karzai regime and US Forces. Voter registration soared in the anticipation of 'free and fair' elections with most eligible voters registering even under the cloud of Taliban threats to kill registrants.<sup>41</sup> Although 9 million of the eligible 9.8 eligible voters registered, the registration process was marked by blatant irregularities, including 140 per cent voter-registration rates in three provinces,<sup>42</sup> including the provinces that lie along the Afghan–Pakistan border where Taliban and insurgent attacks have been frequent. Six other predominantly Pashtun provinces (Laghman, Nangarhar, Kunar, Ghazni, Helmand and Kandahar) were also reportedly over-registered, compared to only three predominantly non-Pashtun provinces—Balkh, Badghis and Herat. The Organization for Security and Cooperation in Europe (OSCE) refused to send election monitors to Afghanistan, because they believed that 'the present conditions in Afghanistan [were] significantly below the minimum regarded by OSCE ... as necessary for credible election observation'.<sup>43</sup>

In December 2003, Karzai with the encouragement of the USA tried to undercut support for the Taliban by inviting 'moderate supporters' of the Taliban, who also happened to be mostly ethnic Pashtuns, to join the political process in an exchange for their agreement to cease fighting the government.<sup>44</sup> Tajik leaders viewed this move with suspicion believing that Karzai's sought to promote his fellow Pashtuns within his government. Karzai received *de facto* endorsement by the US and European governments and took advantage of US assets during his campaigning. It was alleged that much of Karzai's campaign financing came directly from foreign

countries in direct violation of Afghan election laws.<sup>45</sup> Concerning foreign support for Karzai, it was suggested that:

Karzai was also the only candidate who enjoyed access to US military aircraft for campaign travel as well as round-the-clock protection by a private US security firm. The Afghanistan Research and Evaluation Unit (AREU) report also found ambient suspicion that the US had allocated \$30 million for the registration of Afghan refugees in Pakistan, who are primarily Pashtun, to enhance Karzai's chances for reelection. The appearance of favoritism in the ethnically charged climate of Afghan politics makes it seem that the goal of the campaign is to elect a president at any cost, especially in the eyes of the often ignored and abused non-Pashtun 'minorities'.<sup>46</sup>

Karzai also took long-expected (and long-threatened) action to marginalize warlords. During September 2004, he removed Ismail Khan as governor of Herat Province.<sup>47</sup> Weakening the power of regional leaders and expanding Karzai's influence beyond the city limits of Kabul were goals long sought by the USA. A particularly bold move on 26 July 2004 was the dismissal of Mohammad Fahim, the powerful Tajik Minister of Defence and leader of the Northern Alliance, as one of his vice presidents. It is very interesting to note that 26 July was the last official date for the filling of presidential election candidacy forms by the official rules adopted by Afghanistan's Joint Electoral Management Body.<sup>48</sup> It is reasonable to believe that Karzai waited to the very last moment before dumping Fahim because he probably expected that such a strategy would not allow for Tajiks to regroup and promote a new candidate; however, he guessed wrong. The Tajik and Northern Alliance leader Yunus Qanooni parted from Karzai to announce his own candidacy. He suggested that Karzai's dismissal of Fahim exacerbated 'inter-ethnic tension'.<sup>49</sup> On 27 July, Karzai placed Kabul on a high security alert due to rumours in the capital that armed forces loyal to Fahim might stage an uprising. In addition to being Afghanistan's defence minister, Fahim commanded the Afghan army's 8th Division, with an estimated 5000 loyal troops stationed in the Shomali Plain—the fertile land just north of Kabul—and in the capital itself. Fortunately no extra-legal actions were taken by Fahim and his militia.

Qanooni's candidacy soon garnered the support of Fahim, Foreign Minister Abdullah, all core leaders of the leaders of the Tajik-dominated Northern Alliance. It looked like the election was going to revert to a question of renewed inter-ethnic strife.

### *Afghan presidential elections*

On 9 October 2004, the presidential election took place with 18 eligible candidates on the Afghan presidential ballot.<sup>50</sup> As expected, Harmid Karzai was elected with 55.4 per cent of the vote, three times more votes than any other candidate. Karzai's main opponents Yunus Qanooni, Haji Mohammed Mohaqiq and Abdul Rashid Dostum received respectively 16.3 per cent, 11.7 per cent and 10 per cent. Twelve candidates received less than 1 per cent of the vote. The lone female

candidate Masooda Jalal, finished sixth with 91,000 votes or 1.1 per cent. While there were complaints about voter intimidation (especially in the Pashtun south and east), voting procedures, and allegations of multiple voting and irregularities in counting in some areas, an Impartial Panel of Election Experts concluded that the election outcome had not been affected.<sup>51</sup>

The presidential election was a watershed event, but what do the results of the election represent? The results at first glance appeared to suggest that the traditional ethnic splits in the country and traditional ethnicity remains at the forefront of Afghan politics. In order to more explicitly explore the notion that the results of the Afghan Presidential election primarily reflect long-standing ethnic divisions in Afghanistan, provincial election data for each of the four leading candidates were gathered as well as data for each of the 34 Afghan Provinces relative to their ethnic breakdown or composition.<sup>52</sup> Correlation analysis was then performed on these data representing provincial voting results and provincial ethnic composition. The correlation results of this analysis are presented in Table 2.

The results are telling. This analysis clearly supports the notion that the results of the Afghan presidential election represent and reflect historical ethnic patterns that have long driven conflict dynamics in the country. *No candidate received significant support outside of their particular ethno-linguistic group.* Afghan ethnic groups tended to vote along ethnic lines rather than crossover to candidates from other ethnicities. Karzai was elected with a majority of the vote, but he was not elected with a majority of the vote from any ethnic group outside his own dominant Pashtun base. His claim to represent a truly national candidate with support across ethnic lines is not borne out by these data. Qanooni, a leading figure in the Northern Alliance and himself a Tajik, received most of the Tajik vote; while veteran strongman Dostum garnered the votes of his fellow Uzbeks in the north, and; Mohaqiq received the vote of the Shia Hazaras of central Afghanistan which he leads.

**Table 2.** Correlation coefficients (Pearson *r*) Afghan presidential candidates at the provincial level<sup>1</sup> (ethno-linguistic provincial votes received (%))

	Pashtun	Tajik	Hazara	Uzbek
Hamid Karzai	<b>0.88</b> ( <i>p</i> < <b>0.0001</b> )	-0.44 ( <i>p</i> < 0.01)	-0.45 ( <i>p</i> < 0.01)	-0.54 ( <i>p</i> < 0.001)
Yunus Qanooni	-0.54 ( <i>p</i> < 0.001)	<b>0.84</b> ( <i>p</i> < <b>0.0001</b> )	-0.14 ( <i>p</i> < 0.42)	0.01 ( <i>p</i> < 0.96)
Haji Mohaqiq	-0.34 ( <i>p</i> < 0.05)	-0.20 ( <i>p</i> < 0.26)	<b>0.91</b> ( <i>p</i> < <b>0.0001</b> )	-0.06 ( <i>p</i> < 0.72)
Rashid Dostum	-0.45 ( <i>p</i> < 0.01)	-0.10 ( <i>p</i> < 0.58)	0.14 ( <i>p</i> < 0.41)	<b>0.88</b> ( <i>p</i> < <b>0.0001</b> )

<sup>1</sup>SAS 9.1 procedure 'proc corr' used to produce the Pearson correlation coefficients (*n*=34). We would like to thank Adrienne Casebeer for assistance with the correlational analysis. *N* = 34

As can be seen in Table 2 each ethnic group voted for the explicit candidate from their own group, with correlations ( $r$ ) of ethnic parochial voting ranging from between 0.84 and 0.91. These results are very statistically significant with a  $p < 0.0001$  meaning that these results could not have occurred randomly. While such an analysis does not imply causation, it does suggest clearly that traditional ethnicity remains at the forefront of Afghan politics at least represented by recent presidential voting patterns.

An examination of Table 2 also indicates other notions of the vital importance of ethnicity in Afghan politics (and governance). It is also interesting to note not only the high positive correlations between the different ethno-linguistic groups with their respective ethnic candidate (represented by the correlation results in the table's diagonal) but also who the various ethnic groups were *not* likely to vote for. The Pashtuns have significant negative correlations ( $r = -0.44$  to  $-0.54$ ) relative to their probability of supporting a candidate from a different ethnic group. The chance of a Pashtun voting for any of the other candidates is indeed very slight and reflects solidarity in their voting patterns. The Tajiks, likewise, had a very slim chance of voting for a Pashtun ( $r = -0.54$  with a  $p < 0.001$ ). These results suggest that the two most influential Afghan ethno-linguistic groups and traditional rivals will not only vote for their own candidate but also against the other! This does not represent an encouraging finding for the success of a strong presidential system based on the primacy of one ethnic group in deference to others. In fact it has been argued that a strong presidential system can be a recipe for disaster in countries such as Afghanistan where political elites are deeply divided: a pure presidential system effectively permits only one winner, while potentially generating many disgruntled losers.<sup>53</sup>

This analysis suggests that Afghanistan faces an extremely difficult challenge of unifying a fragmented society and fostering the development of a national identity because each ethnic group is attempting to gain a foothold in government often at the expense of other groups. Because this attempt at entering government is taken from an ethnic approach, rather than a national one, the fragmentation of society will continue until either one dominant ethnic group controls all of the governmental power or ethnic politics makes way for increased internal conflict.

The Presidential election appears to have been more procedural than substantive. The results of this analysis do not bear out that the presidential election went far at all in terms of uniting the divided country behind a single candidate. While Karzai was elected with a majority of the vote, he was not elected with a majority of the vote from any ethnic group outside his own, the dominant Pashtun. Hamid Karzai's claim that he represents a truly national candidate that has support across ethnic lines is not borne out by this analysis. Less populous, but no less important ethnic groups such as the Uzbeks, Tajiks, Hazaras and Turkmen did not 'forget' their own interests and vote for Karzai in an attempt to unite the country.

While the US administration assumes the election of an Afghan president was the first step on the path towards democracy, it appears that this very action is belied by ethnic divisions, which, unless properly addressed, threaten to derail

any long-term hope of a democratic Afghanistan. By not signalling a willingness to vote outside ethnic boundaries and come together, Afghan citizens have begun a voting trend that does not portend well for any future parliamentary government, whose constituents will vote not for compromise but for ethnicity.

The burden will fall to the political elites to reach compromise independently or face continued traction on all ethnically divisive issues, which in Afghanistan translates into almost all daily business. Rather than let the situation deteriorate, the elected leaders must reach compromises that are mutually and constitutionally guaranteed, so as to give the minority groups invested interests in government institutions.<sup>54</sup> Additionally, changes should also come from the bottom to the top, as Afghan minorities form groups that will demand compromise on issues that involve rather than exclude them. Inherent here is the belief that government is effective when it is open to its citizenry. If the citizenry views the government as ineffectual, then they will have no incentive to participate in any way and will likely come to view the government negatively.<sup>55</sup>

### *Afghan legislative elections*

Afghan legislative elections (including District elections) that were initially planned to be held simultaneously with the Presidential Elections, were eventually rescheduled for 18 September 2005. Approximately 6000 candidates<sup>56</sup> sought approximately 390 parliamentary (*Wolesi Jirga*) and 217 provincial council positions.<sup>57</sup>

These elections were expected to be a mandate concerning the political direction taken since the ousting of the Taliban and the subsequent Bonn Agreement. The Karzai Administration had pushed vigorously for political reforms and governmental institutionalization; the continuation of Karzai's agenda depended significantly on the government's ability to engender support of a National Assembly. It was also expected that these elections would establish political blocs that would eventually become actual political parties, a seemingly critical component for a lasting Afghan democracy. Finally the voting patterns of these elections would 'signal the extent to which influence [would] be based on common political ground—rather than strictly ethnic, religious, or provincial divisions'.<sup>58</sup>

The Afghan Presidential election had suggested that Afghanistan remains a society deeply divided along multiple fault lines—ethnic, linguistic and ideological. The Afghan legislative elections would signal the possibilities for democratic governance. Unfortunately, the structure and procedures for these elections were typical of the more general personalistic political processes that have been employed since Bonn. In particular, the notion of political party development to articulate voter interests was thwarted in the early electoral sequence.

Political party participation was negated by rules adopted for the elections. Candidates were not allowed to run under a party banner. Candidates could be independent, nominated or endorsed by a political party, but political party symbols could not appear on the ballot. Meanwhile, 'old *jihadi* networks continued to have access to power and resources'.<sup>59</sup> So many candidates contended



the election because rules played against political parties in favour of individuals. Moreover, these rules portended to favour candidates appealing to regional or ethnic biases rather than political ideologies and programs such as would have accompanied an election that encouraged political party participation. Inhibiting political party participation in elections can enhance extremist candidates and positions.

Although there is no dearth of political parties in Afghanistan, many Afghans are leery<sup>60</sup> of political parties such as the Communist People's Democratic Party (both Khalq and Parcham factions), the Taliban and various *mujahideen* parties, all of which have wreaked havoc on the country over the past three decades. Since the Bonn Agreement, numerous small, democratic parties have been formed that seem to represent a break from the past and appear to be essential components for Afghanistan's fledgling democratic ambitions. Despite the numerous amount of parties that had formally registered at the time of the elections, all political parties confront a hostile climate.<sup>61</sup>

Karzai's decision to oppose a party list system was made against the advice of United Nations and international advisers—with the exception of his most powerful backer, US Ambassador Zalmay Khalilzad.<sup>62</sup> The use of the single non-transferable vote (SNTV) electoral formula meant that each Afghan voter cast a single vote even though there would be multiple members to serve their respective electoral district. This system, as admitted by the government, was used to marginalize the political parties. Barnett Rubin writing in the *International Herald Tribune* suggested, '[t]his system in fact virtually guarantees the formation of an unrepresentative parliament of local leaders with no incentive to cooperate with one another or the government. It places a premium on vote buying and intimidation, since swinging even a small number of votes can easily affect the outcome. Well-organized parties that can propose a limited number of candidates and discipline voters to spread their votes among them can win a disproportionate share of seats.'<sup>63</sup> Other experts argued that SNTV was particularly ill suited for Afghanistan because the country lacks well-organized political parties. Parties must educate their supporters in each region as to how to apportion votes across candidates, or some candidates will receive too many votes and others too few. A party could easily gain a very different number of parliamentary seats than its percentage of the vote might suggest it deserved.<sup>64</sup> Those with the ability to discipline their supporters included large ethnic and regional parties either leading to disproportionate representation of some large regional or ethnic parties or conversely, resulting in a fragmented legislature.

Table 3 presents legislative voting data by Afghan province. As presented in this table, 57 per cent of the Afghan population registered and were eligible to vote in these elections. Three provinces had over 100 per cent voter registration. These data probably suggest voter fraud in the primarily Tajik home province of Karzai's major opponent Qanooni and in the primarily Pashtun province of Paktika. The latter also had significant over registration in the presidential election and overwhelmingly voted for President Karzai (88.4 per cent). The over registration did not lead to additional votes in Panjshir. Only 35 per cent

**Table 3.** Afghan legislative election voting by province\*

Province	Population	Registered voters	Registered voters as percentage of population	Provincial council seats	Total votes	Percentage of registered voters	Wolesi Jirga seats	Total votes	Percentage of registered population
Badakhshan	790,300	400,918	50.73	15	243,250	60.67	9	243,740	60.80
Badghis	412,400	234,680	56.91	9	136,676	58.24	4	136,781	58.28
Baghlan	748,000	386,713	51.70	15	209,027	54.05	8	209,165	54.09
Balkh	1,052,500	600,893	57.09	19	306,575	51.02	11	307,115	51.11
Bamiyan	371,900	176,008	47.33	9	125,869	71.51	4	126,296	71.76
Daikondi	383,600	253,589	66.11	9	156,713	61.80	4	156,630	61.77
Farah	420,600	192,614	45.80	9	110,818	57.53	5	110,828	57.54
Faryab	824,600	410,716	49.81	15	256,750	62.51	9	256,797	62.52
Ghazni	1,020,500	745,225	73.03	19	379,260	50.89	11	378,577	50.80
Ghowr	574,800	320,374	55.74	15	213,413	66.61	6	213,293	66.58
Helmand	767,300	528,124	68.83	15	194,742	36.87	8	194,162	36.76
Herat	1,515,400	824,722	54.42	19	517,217	62.71	17	517,926	62.80
Jowzjan	443,300	218,548	49.30	9	138,084	63.18	5	138,085	63.18
Kabul	3,013,300	1,193,472	39.61	29	396,130	33.19	33	399,810	33.50
Kandahar	971,500	744,952	76.68	15	188,377	25.29	11	188,677	25.33
Kapisa	367,500	202,800	55.18	9	84,519	41.68	4	83,966	41.40
Khost	478,100	336,125	70.30	9	188,751	56.16	5	188,473	56.07
Konar	374,700	274,583	73.28	9	126,076	45.92	4	126,282	45.99

*(Table continued)*

Table 3. Continued

Province	Population	Registered voters	Registered voters as percentage of population	Provincial council seats	Total votes	Percentage of registered voters	Wolesi Jirga seats	Total votes	Percentage of registered population
Konduz	817,500	402,195	49.20	15	246,535	61.30	9	246,758	61.35
Laghman	371,000	230,948	62.25	9	87,444	37.86	4	87,484	37.88
Lowgar	326,200	197,380	60.51	9	76,254	38.63	4	76,270	38.64
Nangarhar	1,237,800	804,515	65.00	19	382,186	47.51	14	383,170	47.63
Nimruz	135,900	85,562	62.96	9	37,724	44.09	2	37,750	44.12
Nurestan	123,300	124,583	101.04	9	80,184	64.36	2	79,865	64.11
Oruzgan	291,500	150,865	51.75	9	35,388	23.46	3	35,363	23.44
Paktia	458,600	394,504	86.02	9	251,931	63.86	5	251,489	63.75
Paktika	362,100	500,719	138.28	9	261,749	52.27	4	264,858	52.90
Panjshir	127,900	139,397	108.99	9	49,422	35.45	2	49,218	35.31
Parvan	550,200	245,385	44.60	15	86,647	35.31	6	87,517	35.67
Samangan	321,500	165,218	51.39	9	109,890	66.51	4	109,955	66.55
Sar-e Pol	463,700	192,294	41.47	9	120,968	62.91	5	120,939	62.89
Takhar	811,800	418,696	51.58	15	279,181	66.68	9	279,246	66.69
Wardak	496,800	243,219	48.96	9	100,764	41.43	5	100,663	41.39
Zabol	252,700	102,695	40.64	9	20,695	20.15	3	20,695	20.15
<b>Totals</b>	21,678,800	12,443,231	57.40	420	6,199,209	49.82	239	6,207,843	49.89
Kuchi election		534,105						409,644	76.70

\*Source: Joint Election Management Body (JEMB), <http://www.jemb.org/>.

of Panjshiri 'registered' voters actually voted in the election; while this would seem to suggest that the registration process in this Tajik province was of questionable integrity, the ultimate implications proved negligible.

The national election voter turnout—49.8 per cent—was substantially lower than in the October 2004 presidential election. Turnout was highest in the north—generally over 60 per cent—and lowest (below 30 per cent) in some of the Pashtun-speaking southeastern areas where the Taliban insurgency is strongest. Oruzgan (23 per cent) and Kandahar (25 per cent), have been Taliban strongholds—the former being the home of Mullah Omar and the latter being the spiritual capital of the Taliban (as well as the home base of President Karzai)<sup>65</sup>—where remnants of the Taliban pursued campaigns of intimidation against prospective voters. Surprisingly low voter turnout (34.5 per cent) in Kabul is especially troubling considering that this urban populace is highest educated and most politically sophisticated in the country.

Electoral rules created confusion in many voters as to for whom they were voting. Moreover, the sheer number of candidates running under ballot banner icons such as cups, beds, lions, rings, leafs, footballs, cars, etc. were extremely confusing (see Appendix for an example of a portion of an official Kuchi Afghan legislative ballot). Candidates were not able to choose the icons themselves: instead, the electoral committee selected them. Such icons were reportedly used because of the sizable percentage of the Afghan population that is unable to read and write. Illiteracy and lack of voting experience also had other influences on the actual act of voting. *The Economist*, for example, suggested that the size of the ballot in some provinces required ballots of up to 40 pages. In some areas voters were confused by the notion of 'turning pages' of the ballot.

Election Day was less violent than many analysts had expected.<sup>67</sup> Final results were delayed by accusations of fraud and were not declared until 12 November 2005.<sup>68</sup> The results upheld the notion that the procedures used in this election would favour localized candidates and strong regional figures and groups. In particular, they represented a victory for Islamic conservatives and the *mujahideen*. Nearly half of the seats of *Wolesi Jirga*, or lower house of the Parliament, were captured by Islamist or conservative religious figures.<sup>69</sup> Most of the elected former *mujahideen* leaders had an electoral base limited to their own ethnic groups and regions where they exercise considerable influence and control. These commanders had been shut out of the Karzai Administration that had favored ex-patriots and technocrats.

The legislative elections provided the *mujahideen* an opportunity to reassert their influence through the electoral process. Many of those elected had struggled for years to repel the Soviets from their country. They had been extremely disenchanted by the Karzai regime for its failure to embrace them in viable administrative positions.

The results represented a defeat for the Karzai Government. While these results did not deliver a clear anti-Karzai Parliamentary majority,<sup>70</sup> they did not represent a clear mandate for the Karzai Administration. The election results suggested that the 249 member *Wolesi Jirga* would consist of five broad, possibly overlapping

groups: first, former *mujahideen*, including approximately 40 members of *Hizb-e Islami*;<sup>71</sup> second, independents, technocrats and those tribal or regional leaders who are not presently affiliated with any of the established Afghan political parties; third, 11 former communists and other leftists many of whom have joined *mujahideen* parties or remnants of the Taliban; fourth, former members of the Taliban establishment; and fifth, former ministers and six deputy ministers of the government, many of whom had been dismissed by Karzai as he attempted to consolidate power over the previous three years.<sup>72</sup>

Women won 68 seats, slightly more than the 25 per cent representation guaranteed under the new electoral system. Five provincial council seats in the conservative south and east were left vacant because too few women candidates registered. Many unknown candidates were also elected. Indeed, because of SNTV and the prohibition of meaningful political party participation, many candidates won virtually by chance. For example, in Wardak Province where 69 candidates competed for 5 *Wolesi Jirga* seats, the leading vote getter (Abdul Reza Rezaee) received 10 per cent of the vote. The other winners, which included the two former Taliban members including the former planning minister (Haji Mosa Hotak) and a *Hizb-e Islami* candidate (Roshanka Wardak) received from 6.6 per cent to 3.9 per cent of the votes. Numerous other provinces experienced the same kind of results where candidates were elected by chance. Table 4 demonstrates many of the problems associated with the election.

Kabul is the most populous province in the country with over a three million people. However, 1,193,472 registered voters cast only 399,810 valid votes (35 per cent). As presented in Table 4, Mohaqeq received the highest percentage of votes of any candidate in Kabul—13.2 percent. Qanooni and Dost were the next two largest voting percentages, with 7.8 and 7.7 per cent, respectively. The other 30 winning candidates received from 2.5 to 0.4 per cent of the vote. That 30 of the 33 representatives elected to the parliament from the country's capital individually received less than 3 per cent of their constituents' votes is amazing. Of the Kabuli electorate, 46 per cent voted for losing candidates, which would not be surprising if only two or three candidates were running; but for Kabul representation in the legislature there were 387 candidates. The aggregate nationwide votes collected by all *Wolesi Jirga* winners represented only 35.8 per cent of the total vote.<sup>73</sup> Put another way, 64.2 per cent of the Afghan voters supported losing candidates.

It is evident that the SNTV and the lack of political party participation helped to skew the elections' results and produce a *Wolsei Jirga* that will be highly fragmented. Faith in the democratic process could quickly wane and discontent inflame the many elements in the country that are already interested in pursuing power via extra-legal ways. A legislative impasse in the *Wolsei Jirga* could also push Karzai to personalize the Afghan government to an even greater extent and in the process alienate his opponents.

The members of the legislative body were not elected with the support of the majority of Afghan citizens. Moreover, its members consist of a series of influential coalitions of former *mujahideen* and Taliban commanders, communists, tribal

**Table 4.** Kabul Province *Wolesi Jirga* Results\*

Candidate name	Votes received	Percent of vote
Haji Mohammad Mohaqeq	52,586	13.2
Mohammad Yunus Qanooni	31,225	7.8
Bashar Dost	30,794	7.7
Haji Mohammad Arif Zarif	9,934	2.5
Ustad Abdrab Alrasoul Sayaf	9,806	2.5
Sayed Mustafa Kazimi	8,884	2.2
Engineer Abbas	4,645	1.2
Mullah Mohammad Mojahed	4,624	1.2
Haji Sayed Jan	3,992	1.0
Malalai Shinwari	3,869	1.0
Doctor Kabir Ranjbar	3,333	0.8
Haji Mohammad Baqir Shaikzada	3,200	0.8
Doctor Naematullah	3,165	0.8
Mir Ahmad Juyenda	3,105	0.8
Mohammad Ismael Safdari	3,083	0.8
Haji Mohammad Dawood Kalakani	2,900	0.7
Anwar Khan Auriakhel	2,885	0.7
Haji Najibullah Kabuli	2,867	0.7
Mohammad Senkin Tawakalzai	2,808	0.7
Jamil Karzai	2,602	0.7
Al-Haj Baidar Zazai	2,415	0.6
Alami Balkhi	2,324	0.6
Fatima Nazry	2,322	0.6
Shukra Barakzai	2,201	0.6
Mohammad Ibrahim Qasimi	2,171	0.5
Erfanullah Erfan	2,157	0.5
Sayed Dawood Hashemi	2,130	0.5
Shinkai Zahin Karukhel	2,107	0.5
Shahla Atta	2,040	0.5
Qudriya Ibrahim Yazdan Parast	1,960	0.5
Sabrina Saqeb	1,785	0.4
Fauzia Naseryaar Haidari	1,764	0.4
Najiiba Sharif	1,547	0.4

\*Source: Calculated from data presented by Joint Election Management Body (JEMB), <http://www.jemb.org/>.

nationalists, royalists, warlords, and urban professionals, all distrusting of their fellow parliamentarians. Two parliamentarians were murdered before the body convened. Although Karzai backed Abdul Rasul Sayyaf, an Islamic extremist, for speaker in parliament, his war crimes allegations hurt his candidacy and Karzai's rival Yunus Qanooni won the post.<sup>74</sup>

## Conclusion

There is little doubt that substantial, indeed historical, achievements have taken place in Afghanistan since the fall of the Taliban, and many of these achievements

are directly attributable to the Bonn Process. Nevertheless, serious flaws in the process bode ill for Afghanistan's prospects to become a democratic, peaceful and secure country.

Barnett Rubin argues that Afghanistan's transition would not have taken place were it not for the Al Qaeda attack on the USA on 11 September 2001. That is, internal processes were neither previously able to unseat the Taliban nor afterward able to unify the nation.<sup>75</sup> Taliban remnants have regrouped and are presently engaged in an insurgency that is not only intensifying but also mimicking the tactics and strategies employed by the Iraqi insurgents as they target police, international aid workers and troops. In retrospect, Bonn should have attempted to draw in moderate Taliban. Just wishing the movement to go away is not enough.

The failure of Bonn to address the problem of regional warlords was a monumental mistake. The interim and transitional governments created became dependent on the power base of the warlords. While Karzai eventually moved to co-opt these warlords, with considerable US support, their power base remains intact. The problem of regional militias and the influence of warlords, many fuelled by lucrative drug production and trade, is a colossal problem.

The *mujahideen* had fought Soviet invaders and believed that they should be franchised in Kabul. They were virtually ignored by the Karzai administration, but recent legislative elections have given them new life.

The Afghan Constitution is an extremely important accomplishment of the Bonn Process, but the lack of a full public debate before its ratification was a missed opportunity to have a wide ranging public debate on two divisive issues: the role of Islam and the specification of relations between the Kabul and the regions. Divisions between the *mujahideen* and the central government could deepen factional conflict if improperly handled. Islam, in contrast, could become an umbrella issue that would facilitate a coalition between disparate regional commanders who are discontented with the Karzai administration or searching for ways of expanding their territorial influence. Further, there is a long-term risk that the incorporation of Islam into the constitution will empower extremist groups, like *Ittehad-e Islami Afghanistan* and factions within *Jamiat-e Islami*, at the cost of weakening new democratic groups and undermining the foundations of civil liberties, particularly for women and the Shia minority.<sup>76</sup>

Karzai's election was a reification of long held ethnic biases and conflicts. He was not able to engender significant support beyond his Pashtun base and he has not proven to influence much beyond the city limits of Kabul. The Afghan governmental system mapped by the Bonn Agreement could fail miserably if Karzai were to take advantage of the opportunity of his strong office to further the causes of his own ethnic group—the Pashtuns. This would be disastrous for Afghanistan and would likely reinforce factionalism and deepen the rifts between ethnic groups, eventually resulting in civil war or secession.

The legislative election results were even more disappointing. The election rules adopted ironically backfired on the Karzai administration. The election produced a legislature consisting of a strange mix of former *mujahideen* commanders, Taliban, long-defunct communists, royalists, warlords and urban professionals.

Moreover, the voting results suggested that the *Wolesi Jirga* does not have public legitimacy, being elected by a minority of the electorate. The fact that so many candidates could be elected to this important legislative body with less than 1 per cent of their respective electorate's support does not suggest that democracy is 'flourishing' in Afghanistan. These elections were tragically flawed and its results have the potential to derail Afghan's faith in the legislative process.

Karzai's fear of a multiparty system was extremely counterproductive. The right kind of election laws could have forced political parties to seek alliances across ethnic groups. The numerous parties that have been formed since Bonn should be encouraged to participate in public debate. Afghanistan is and will remain a fragmented society, but diversity of opinions need not manifest themselves in conflict dynamics. Interchange and a viable Afghan multiparty system should be encouraged not discouraged.

Ultimately the success or failure of Bonn has more to do with conditions particular to Afghanistan, as a legal state, not one that has been in conflict for nearly three decades. The essential condition for a state is to have an effective monopoly over the means of violence, and there is no escaping the fact that Afghanistan suffers from inefficient, dysfunctional political institutions including its security services. Heavy reliance on the international community and particularly the USA to fill the gap in both functional political processes and security services has left Afghanistan without an (indigenously generated) effective revenue base. Such reliance has also left Afghanistan dependent on international donor aid for reconstruction. Bonn's results would likely be in question regardless, owing to the condition of the Afghan 'state' and the underlying conditions of extremist beliefs, patronage politics, availability of drug revenues and tribal rivalries.

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3. United Nations Security Council, *Agreement on the Provincial Arrangements in Afghanistan Pending the Re-Establishment of Permanent Government Institutions*, 5 December 2001, S/2001/1154. The text of the Bonn Agreement was endorsed by the United Nations Security Council on 7 December 2001.
4. Key factions at Bonn were the Northern Alliance (primarily Tajik), the Rome Group (representing the former King, Mohammed Zahir Shah), the Cyprus Group (allegedly Iranian backed) and the Peshawar Group (primarily Pashtun).
5. The Bonn Agreement was endorsed by the UN Security Council Resolution 1385, and an international peace-keeping force was authorized by Security Council Resolution 1386.
6. United Nations Security Council, op cit, Ref 3, p 2.
7. Quoted in Sidney Blumenthal, 'Democracy was only an afterthought', *The Guardian*, 21 July 2005 Available at <http://www.guardian.co.uk/print/0,3858,5243844-103677,00.html> (accessed 31 August 2006).
8. See Barnett Rubin, 'Afghanistan and threats to human security', an essay adapted from a speech delivered in Tokyo on 15 December 2001, at the International Symposium on Human Security: 'Human Security and Terrorism—Diversifying Threats under Globalization'—from Afghanistan to the Future of the World. Available at <http://www.ssrc.org/sept11/essays/rubin.htm> (accessed 31 August 2006).



9. Some of this section is drawn from Thomas H. Johnson, 'The *Loya Jirga*, ethnic rivalries and future afghan stability', *Strategic Insights*, Vol 1, No 6, 2002, pp 1–8.
10. United Nations Security Council, op cit, Ref 3, p 2.
11. 'Desperate call from the valley of death: help us', *The Observer*, 28 October 2001. Available at <http://observer.guardian.co.uk/afghanistan/story/0,1501,582247,00.html> (accessed 31 August 2006).
12. Authors' interview of Senior US Government Official, December 2001.
13. United Nations Security Council, op cit, Ref 3, p 5.
14. Ibid, p 3.
15. Note that the total number of cabinet positions increased in the Transition Government as compared to the Interim Administration.
16. Currently Fahim controls a private militia of 10,000, most which are loyal, well equipped, and well paid. In his Panjshir Valley base of operations, he controls a vast heavy weapon's arsenal, to include BMPs, BTRs, and Scud missiles.
17. 'Karzai swears in the new Afghan Cabinet', *Washington Post Foreign Service*, 24 June 2002.
18. Ahmad Zia Massoud is the younger brother of the slain Northern Alliance leader and Afghan national hero, Ahmad Shah Massoud.
19. International Crisis Group, 'Afghanistan's flawed constitutional process', ICG Asia Report No 56, 12 June 2003, p 2.
20. Barnett R. Rubin, *The Fragmentation of Afghanistan* (New Haven, CT: Yale University Press, 2002), p 5.
21. The Pashtuns, representing 42 per cent of the population, are the largest ethnic group in Afghanistan. Ethnic Tajiks represent 27 per cent of the population. The Hazaras, represent another 9 per cent. Other groups, such as the Aimaks, Turkmen, Baluch, Uzbek, comprise the rest. The country is almost totally Muslim with the Sunni Muslims representing 80 per cent of the population and Shi's Muslims representing 19 per cent. See 'Afghanistan', *The World Factbook 2004* (Washington: Central Intelligence Agency, 2004).
22. John C. Griffiths, *Afghanistan: Key to a Continent* (Boulder: Westview Press, 1981), p 78.
23. Rubin, op cit, Ref 20, p 11.
24. Ibid, p 46.
25. Ibid, p 47.
26. Pamela Constable, 'Cabinet is sworn in; intense negotiations yield greater ethnic, political balance', *Washington Post Foreign Service*, Tuesday 25 June 2002.
27. 'Pashtuns losing faith in Karzai', *The Washington Post*, 13 July 2002.
28. 'Warlord pushes for control of a corner of Afghanistan', *New York Times*, 6 August 2002.
29. Open Meeting of the Security Council, Briefing of Special Representative of the Secretary General Lakhdar Brahimi, 31 January 2003. Available at <http://www.un.org/News/dh/latest/afghan/brahimi31jan03.htm> (accessed 31 August 2006).
30. 'The constitution-making process in Afghanistan', Prepared by The Secretariat of the Constitutional Commission of Afghanistan, 10 March 2003.
31. International Crisis Group, op cit, Ref 19, pp 16–17.
32. Ibid. UNAMA coordinated international technical and financial support; UNDP provided financial management, administrative and operational support.
33. For the entire text of the constitution see: <http://www.afghangovernment.com/2004constitution.htm> (accessed 31 August 2006).
34. Two vice presidents would run on the same election ticket as the president and one succeeds him in the event of the president's death. Vice presidents were to serve a single five-year term. If no presidential candidate receives at least 50 per cent of the vote on Election Day, a run-off was to be held within two weeks.
35. One-third of the seats were to be appointed by the president, one-third were to be selected by provincial councils, and one third were to be selected by district councils.
36. This goal of women representation was to be met through election rules that will give the top two women vote getters in each province a seat in the *Wolesi Jirga*.
37. International Crisis Group, 'Political Parties in Afghanistan', Asia Briefing No. 39, 2 June 2005.
38. United Nations Security Council, op cit, Ref 3, p 3.
39. 'New Afghan election law endorsed', *Kabul Radio*, FBIS No. IAP20040527000095, 27 May 2004; 'Afghan Leader Karzai Endorses Election Law', *Kabul Hindokosh News Agency*, FBIS No. IAP20040527000099, 27 May 2004.
40. 4807 polling centres were eventually planned manned by a staff of approximately 120,000.
41. Craig Charney, 'Afghan success story', *Washington Post*, 30 July 2004, p A19.
42. Scott Baldauf, 'Afghans vote, ready or not', *Christian Science Monitor*, 8 October 2004. The lack of reliable census data makes judgments on registration corruption difficult.
43. Ibid.

44. Nicholas Kravlev, 'U.S. backs intention to work with ex-Taliban', *Washington Times*, 15 June 2004.
45. For example, see 'Afghanistan: President Karzai accused of illegal electioneering', FBIS No IAP20040810000129, 10 August 2004.
46. M Nazif Shahrani, 'Afghanistan's presidential elections: spreading democracy or a sham?', Middle East Report Online, 8 October 2004. Available at <http://www.merip.org/mero/mero100804.html>.
47. 'Administrative reforms or settling accounts with Herat?', *Kabul Arman-e Melli* in Dari, FBIS No IAP20040912000048, 12 September 2004.
48. 'Afghan election body urges presidential candidates to register by 26 July', *Kabul Radio Afghanistan* in Pashto 1330 GMT, FBIS No. IAP20040725000113, 25 July 2004.
49. Camelia Entekhabi-Fard, 'Afghan President Karzai may rue dumping Fahim—presidential rival', *Eurasia Insight*, 28 July 2004. Available at <http://www.eurasianet.org/departments/insight/articles/eav072804.a.shtml> (accessed 31 August 2006).
50. This section draws upon previous work. Thomas H. Johnson, 'Democratic nation building in the arc of crisis: the case of the presidential election in Afghanistan', pp. 125–146, in James Russell, ed., *Critical Issues in Middle East Security: Stability after Saddam?* (New York: Palgrave Macmillan, 2006).
51. See, International Crisis Group, op cit, Ref 37, and 'Final Report of the Impartial Panel Concerning Afghanistan Presidential Elections 2004', 1 November 2004. Available at <http://www.elections-afghanistan.org.af/> (accessed November 2004).
52. Official Afghan election data was drawn from: Joint Electoral Management Body, 'Afghanistan Presidential Election Results-2004', <http://www.elections-afghanistan.org.af/Election%20Results%20Website/english/english.htm>; Provincial Ethno-linguistic data came from: <http://www.aims.org.af/>; Ludwig W. Adamec, ed., *Historical and Political Gazetteer of Afghanistan*, 7 Vols, Vols 3–5 (London: HMSO, 1914; rev. and rep. Graz, Austria: Akademische Druck-u. Verlagsanstalt); Thomas H. Johnson *et al.*, *Afghanistan: The Northern Provinces* (Silver Spring: The Orkand Corporation, 1988), chap. 3; Thomas H. Johnson *et al.*, *Afghanistan: The Southern Provinces*, (Silver Spring: The Orkand Corporation, 1989), chap. 4, and Thomas H. Johnson, dir., *Afghanistan: The Western Hinterland Provinces* (Silver Spring: The Orkand Corporation, 1989), chap. 4, as well as expert judgements in some provinces.
53. William Maley, 'Executive, legislative, and electoral options for Afghanistan', <http://www.cic.nyu.edu/pdf/E9ExecLegisElectoralOptionsMaley.pdf> (accessed 10 June 2005).
54. Anne Marie Goetz, Mary Kaldor and Robin Luckham, 'Democratic institutions and democratic politics', in Sunil Bastian and Robin Luckham, eds, *Can Democracy be Designed?* (London: Zed Books 2003), p 42.
55. Robert A. Dahl, *Polyarchy: Participation and Opposition* (New Haven, CT: Yale University Press), p 120.
56. Forty-five candidates were refused because of connections with armed groups or for not giving up their government jobs. Although an alleged 207 other militia leaders were legislative candidates.
57. During March 2005 it was announced that the District elections were postponed until 2006 (exact date to be determined) because of complications in the determination of individual district boundaries. This postponement means that these district councils cannot select their *Meshrano Jirga* (Upper House) representatives.
58. For an official Afghan Government views concerning the importance of these elections, see Afghanistan Votes, <http://www.azadiradio.org/en/specials/elections/> (accessed 31 August 2006).
59. International Crisis Group, 'Afghanistan Elections: Endgame Or New Beginning?', Asia Report No 101, 21 July 2005, p i.
60. In fact many Afghans associate the words *hizb* (party), *harakat* (movement) and *tehrlik* (way) with the violent histories of former leftist and Islamist parties. See International Crisis Group, op cit, Ref 37, p 11.
61. International Crisis Group, op cit, Ref 59, p 3.
62. Ibid, p 10.
63. Barnett Rubin, 'Afghanistan: the wrong voting system', *International Herald Tribune*, 16 March 2005.
64. Andrew Reynolds and Andrew Wilder, 'Free, fair or flawed: challenges for legitimate elections in Afghanistan', Afghanistan Research and Evaluation Unit (AREU), September 2004, p 12.
65. Karzai received 91 per cent of the presidential vote in Kandahar.
66. 'A glass half full', *The Economist*, 15 September 2005.
67. 'Putting steel into Karzai', *The Economist*, 22 September 2005.
68. For full results of the election, see: Source: Joint Election Management Body (JEMB), <http://www.results.jemb.org/home.asp> (accessed 31 August 2006).
69. 'A place for warlords to meet', *The Economist*, 5 January 2006.
70. A Congressional Research Service Report to Congress posited that the election results 'The new parliament ... appears to have a slim majority of Karzai loyalists'. Kenneth Katzman, 'Afghanistan: presidential and parliamentary elections', CRS Report for Congress, 16 November 2005, p 5.
71. The party was registered in August 2005 with the Justice Ministry by its new leader Khaled Faruqi, a former commander of Hekmatyar. Faruqi won a seat in the *Wolsej Jirga*.

72. The most prominent member of the ousted Taliban regime, former Foreign Minister Mawlawi Wakil Ahmad Mutawakkil, fared very poorly in his candidacy in Kandahar Province. Abdul Rasul Sayyaf, an ethnic Pashtun and a Karzai supporter who is an extreme Islamist and alleged war criminal as well as terrorist supporter, also won a parliament seat from Kabul with a bear minimum of votes.
73. The aggregated vote of all *Wolesi Jirga* winners was 2,225,068; 6,207,843 total votes were cast.
74. 'Warlords', *The Economist*, 5 January 2006.
75. Barnett R Rubin, '(Re)Building Afghanistan: the folly of stateless democracy', *Current History*, Vol 103 No 672, April 2004, pp 165–170.
76. International Crisis Group, op cit, Ref 19, p 6.

## Appendix

		<b>01-41-0086</b> حاجی خان وزیر
		<b>20-34-0086</b> ذوالفقار خان شینواری
		<b>06-22-0075</b> وکیل عبدالرحمن
		<b>10-62-0032</b> حاجی شهزاده
		<b>19-08-0022</b> سید محمد حریق
		<b>03-78-0113</b> صوفی عبدالستار هوتک

**Figure A1.** Example of a section of Afghan Legislative Election Ballot (Source: Joint election Management Body (JEMB), <http://www.jemb.org/>)